

A bill supplementary to an act relating to lands in Peters' Colony; read second time and referred to the select committee on Affairs in Peters' Colony.

A bill for the relief of the inhabitants of San Elizario, El Paso county; read second time and referred to the committee on Public Lands.

A bill for the relief of William R. Willis; read second time and referred to the committee on Private Land Claims, No. 2.

A bill for the relief of William Forbes; read second time and referred to the committee on Private Land Claims, No. 2.

A bill to amend an act entitled an act to incorporate the Henderson and Burkville railroad company; read second time and referred to the committee on Internal Improvements.

A bill to incorporate Anson Lodge, No. 29, I. O. O. F.; read second time and referred to the Judiciary committee.

A bill to facilitate the settlement of the fiscal affairs of the late Republic of Texas; read second time and referred to the committee on Finance.

A bill explanatory of an act entitled an act for the relief of certain persons formerly prisoners of war in Mexico, approved February 9, 1850; read second time and referred to the committee on Public Debt.

A bill amending an act relinquishing the title of the State to lots on Galveston Island, approved February 16, 1852; read second time and referred to the committee on State Affairs.

A bill for the relief of Charles A. Warfield; read second time and referred to the committee on Private Land Claims, No. 1.

A bill granting the use of certain portions of the bay to the Galveston Dry Dock company; read second time and referred to the committee on State Affairs.

There being no further business on the Speaker's table, on motion, the House adjourned until half past 9 o'clock A. M. tomorrow.

AUSTIN, Wednesday, January 19, 1853.

House met pursuant to adjournment--roll called--quorum present.

Absentees: Messrs. Bee, Fields, Hartley, Howard, Johnson, McFarland, Neal, Palmer, Rowe, Stewart, Taylor of H. and Wren.

Journal of yesterday read and adopted.

On motion of Mr. Coles, Mr. Tarrant was excused from attendance on the House to-day, on account of indisposition.

On motion of Mr. Patrick, Mr. Russell was excused from attendance on the House to-day, on account of indisposition.

Mr. Hamilton presented the petition of Stephen Prather, praying relief; referred to the Judiciary committee.

Mr. Stapp presented the petition of William Ruply, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Bryan of Brazoria presented the petition of Samuel Visey, praying a grant of land; referred to the committee on Private Land Claims, No. 1.

Mr. Tarver presented the petition of Thomas Hunt, praying relief; referred to the committee on Private Land Claims, No. 2.

Mr. Hamilton presented the petitions of John H. Bostick, Charles Murhardt, and Jacob Long, praying relief; referred to the committee on Private Land Claims, No. 1. Also, the petition of James B. Cassada, praying relief; referred to the committee on Public Debt.

Mr. Stewart presented the petition of Alexander Eanes, praying relief; referred to the committee on Public Debt.

Mr. Bryan of Brazoria presented the petition of Eli Dial, praying relief; referred to the committee on Private Land Claims, No. 2.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of Edward P. Black, have considered the same, and have instructed me to report it back to the House and ask to be discharged from the further consideration thereof. All of which is most respectfully submitted.

B. E. TARVER,
Chairman.

Report received to come up in its regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of James McRea, have considered the same, and have instructed me to report the accompanying bill for his relief and

recommend its passage. All of which is most respectfully submitted.

B. E. TARVER, Chairman.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of sundry citizens of Brownsville, praying for the incorporation of said city, have considered the same and have instructed me to report the accompanying bill and recommend its passage. All of which is most respectfully submitted.

B. E. TARVER, Chairman.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred the petition of Greenberry Dorsey, praying for the issue of patents on certain lost land scrip, have had the same under consideration, and instructed me to report a bill in accordance with the prayer, and recommend its passage. All of which is respectfully submitted.

O. Q. HARTLEY,

One of the committee.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred a joint resolution to amend the second and seventh sections of the fourth article of the State Constitution, have had the same under consideration, and have unanimously instructed me to report: that the increasing litigation of the country, and consequent labor devolved upon the Supreme Court, renders impossible the dispatch of causes so essential to the ends of justice—the great object of our judicial system. It is a fact too generally known to require proof, that causes which have been argued and submitted more than three years since, are still undetermined. It is but reasonable to anticipate an increased amount of unfinished business at each successive term of the Court, so long as the country continues to increase in population and commerce, until it would at last result that a suit at law would be tantamount to yielding a right.

The only remedy is an increase of the number of judges, as proposed by the first amendment embraced in the joint resolution.

Your committee are satisfied of the necessity of an increase of the salaries of the judicial officers of the State.

The object of the State Government, in providing for the payment of her judicial officers, ought not to be to secure the cheapest but the ablest jurist, to dispense justice to her citizens. Those who have consumed the prime of life in preparing themselves for the position of Supreme or District judges, ought not to be required or expected to employ its residue in serving the country in an office, the duties of which are so arduous and responsible, for an annual salary less than may be realized by any enterprising man in our State, in any of the industrial avocations of life. Parsimony is not the better economy in the payment of public officers. There is a just medium between extravagance and meanness. Your committee desire neither. They are of opinion that to secure the best talents of the country, the increase of the salaries of our judicial officers, as contemplated by the second amendment in the resolution, is necessary; and have therefore instructed me to report the same back to the House and recommend its adoption.

A. J. HAMILTON,

One of the committee.

Report and resolution received to come up in their order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on the Judiciary, to whom was referred the petition of sundry citizens of the county of Van Zandt, have had the same under consideration, and ask leave to report the petition back to the House, with an accompanying bill, and recommend that the said bill be passed into a law.

A. J. HOOD,

One of the committee.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives :

The committee on Finance, to whom was referred a petition of Rupert & Lindenberger, for interest on an original claim of \$264, for medicines furnished Gen. T. J. Chambers in 1837, direct me to report the same back to the House, and recom-

mend its reference to the committee on Public Debt. All of which is respectfully submitted.

GUY M. BRYAN,
Chairman.

Report received to come up in its regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Finance, to whom was referred a bill making an appropriation for the per diem pay and mileage of the members and officers of the second session of the fourth Legislature of the State of Texas, convened in extraordinary session on the 10th January, 1853, return to the House the bill with a substitute therefor, and recommend the adoption of the latter. All of which is respectfully submitted.

GUY M. BRYAN,
Chairman.

Report, bill and substitute received to come up in their regular order.

COMMITTEE ROOM, Austin, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Education, to whom was referred a bill entitled "an act to incorporate the Male and Female Academy at Mount Enterprise," have had the same under consideration, and a majority of the committee instruct me to report the said bill back, without amendment, and recommend its passage.—Respectfully submitted.

B. B. CANNON,

One of the committee.

Report and bill received to come up in their regular order.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred the memorial of Thomas Dean, praying the Legislature to grant him a certificate for one-third of a league of land, which your committee have had under consideration, and find the following to be a true statement of the facts. It appears from the testimony, that Thomas Dean entered the service of the Republic, by enlisting in the Navy in the spring of 1836; that he was one of the crew of the schooner "Invincible," who was taken, thrown into jail, and subsequently tried for piracy in consequence of the capture, by the Invincible, of the brig "Pock-

et," in the spring of 1836; that after his release, he returned to Texas, and on the 28th day of June, 1838, he made application to the board of land commissioners of Harris county for his headright certificate; but owing to the neglect of the clerk of said board to make an entry of the issuance of said certificate, he has, since the loss of said certificate, been unable to obtain a duplicate. His application, and the action of said board of land commissioners, will appear by reference to the book known as the "Lost Book" of Harris county, a copy of which is on file in the General Land Office. They find that the said Dean has been a resident of the Republic and State of Texas, since his emigration, to this time, and has not, as yet, received the amount of land as allowed by law.

Your committee, therefore, do not believe that the neglect of the clerk should operate to the prejudice of a person who has suffered in the service of the country. They therefore recommend the passage of the following bill to the favorable consideration of the House.

W. F. EVANS, Chairman.

Report and bill received to come up in their regular order.

• COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to which was referred the petition of Anthony Deffenbaugh, praying the grant of headright land, have had the same under consideration, and find that the petitioner emigrated to Texas in September, 1836, and served for nine months in the army; and that after his discharge in June, 1837, he returned to Ohio, the place of his previous residence, and remained there from that period until sometime during the last year.

This continued absence, for so long a time, from the late Republic and State of Texas, in the opinion of your committee, debars the petitioner from now claiming the relief he seeks at the hands of the Legislature. Accordingly, your committee respectfully ask to be discharged from the further consideration of the petition. All of which is respectfully submitted.

W. F. EVANS, Chairman.

COMMITTEE ROOM, January 18, 1853.

Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill to be entitled "an act to authorize and require the Commissioner of the General Land Office to issue to James O. Rice, or

to his assigns, a patent to a lot therein named," have had the same under consideration, and being satisfied that the said Rice is justly entitled to said lot, have instructed me to report the bill back to the House, and recommend its passage.

W. F. EVANS, Chairman.

BILLS AND RESOLUTIONS.

Mr. Cannon introduced a bill to amend the 71st section of an act concerning crimes and punishments, passed March 20th, 1848; read first time.

Mr. Pollock arose, and in announcing to the House the death of the Hon. ADOLPHUS STERNE, Senator from the Nacogdoches Senatorial District, delivered the following address:

It has become my melancholy duty, (a duty which, perhaps, I should have performed at an earlier day) to announce to the House that another of the pioneers and patriots of Texas has fallen—that another of that heroic band who unfurled the banner of freedom in these western wilds, has gone to another, and we trust, a more genial clime—and the genius of liberty now weeps over the tomb of another of her beloved sons.

The Hon. Adolphus Sterne is no more. In the month of March last, since the last session of the Legislature, the honorable gentlemen whom I have named, and who was a member of the Senatorial branch of the Legislature, departed this life in the city of New Orleans; and his family, his friends, and the country now mourn his loss. Owing to the meagre information I am in possession of relative to the history of the greater portion of his life, (having known him scarcely three years previous to his decease), I will be unable to go into a very detailed statement of facts going to make up his biography. But being one of the representatives of the immediate county in which he resided, living in the same town in which he lived, I deem it my duty to make the usual demonstrations of respect for the memory of the deceased; and in doing so I deem it proper to state such facts connected with his biography as I may be in possession of.

Adolphus Sterne was born in Germany about the year 1803. The father of the deceased emigrated to America and settled in the city of New Orleans, in the State of Louisiana. At precisely what period the emigration took place, I am not informed; but it was when the deceased was quite a youth. In 1826, when he, who is the subject of these remarks, was a young man of about twenty-three years of age, he emigrated to this

then wild and wilderness country; he emigrated to the State of Coahuila and Texas, one of the States of the then Republic of Mexico. And ever since that period he continued, through all the transmutations to which the country has been subject, to be an energetic and patriotic citizen of Texas—uniting his life, his fortunes and all his interests with the fortunes and destiny of his new and adopted country. From his first arrival in the country, he strongly favored the cause of freedom. His stout heart and strong arm were always enlisted in behalf of the independence of the country of his adoption. Accordingly in 1827, we find him engaged in the Fredonian war, resisting the encroachments of Mexican tyranny, and endeavoring to put down Mexican misrule. For his conduct upon that occasion, he was arrested by the Mexican authorities, bound in chains and cast into prison. But his indomitable soul was not to be intimidated by the cruel and oppressive policy exercised by Mexico towards him and his coadjutors in the cause of the independence of his country. True to the American spirit and to his former predilections, in 1836, in the war of Texan independence, he is found in the ranks of the patriots aiding to roll forward the wheel of the revolution. In that dark period of our history, his stout heart did not quail or falter: but by his efforts he contributed, in no small degree, to roll back the dark cloud of war that hung so heavily upon our borders. Actuated by a patriotic and liberal soul, he nobly stepped forward to relieve the wants of his bleeding country, both by the contributions of his means and by his own personal exertions. Seeing his country in a destitute and almost hopeless condition, he went to the city of New Orleans, and at his own expense, armed and equipped a company, and led them to Texas to aid in the struggle for independence. And notwithstanding the country was surrounded with gloom and disaster on every side, invaded by a formidable foe, and the Lone Star seemed to be setting in seas of blood, he did not waver; but conscious that he was engaged in a righteous cause, and believing in the motto, "*improbus labor omnia vincit*," he hoped he saw in the future a bright and glorious destiny for his country.

When the Indians were laying waste our almost helpless settlements, and

"Commanding the fires of death to light
The darkness of our scenery,"

he led forth a company of his neighbors and countrymen, and aided in driving back the savage hordes that infested our bor-

ders. Indeed, by the part which he acted in the scenes that have transpired in the country, his name is interwoven, not only with the history, but also with the legislation of the country. He served for some time as a member of the Congress of the Republic of Texas, and for several years as a member of this branch of the Legislature of the State; and as has already been intimated, he died an honorable member of the Senatorial branch of the same.

He too, doubtless, in common with other men, had his virtues and his faults. He was brave, patriotic, generous and social. If he had his faults, it is not to be wondered at. Indeed, it would be surprising if he had been free from them. For he would have been more than human if he had avoided them. For who could pass through the scenes of border wars, and scenes of "mingled revelry of wine and blood," and his morals remain unaffected.

But now that the clods of the valley cover him—now that the grave has closed over him, it becomes us to throw the mantle of charity over his faults, (if faults he had) and revere and cherish his virtues. And it is fit that we should make the usual demonstrations of respect to his memory, not only on account of the honorable position he occupied as a member of the Legislature, but on account of his eminent services and usefulness to his country. And whilst the whole nation mourns the loss of those who have been eminently useful to the whole Union, it is right that Texas should revere the memory and weep over the tombs of her Burleson and her Sterne, whose services and exertions have contributed, in no small degree, to redeem our country from Mexican misrule, and drive back the savages of the wilderness from our borders.

Although Adolphus Sterne was a foreigner by birth, yet all who knew him could not fail to know that he was most warmly attached to the free institutions of America.

"Soft blow the winds of Heaven o'er the grave
Of the patriot whose loss we now deplore."

Notwithstanding he was a European by birth, yet every one acquainted with him must acknowledge that a true American heart throbbed in his breast; and in time to come, every patriot who passes by that silent spot in the grave yard of Nacogdoches, where he lies, will award the meed of praise, and

"——— Glory to the soul
Of the brave."

one whose mortal remains lie mouldering there.

After the conclusion of his remarks, Mr. Pollock offered the following resolutions, which were unanimously adopted:

Resolved, That the House of Representatives have learned, with deep regret, of the decease of the Hon. Adolphus Sterne, a member of the co-ordinate branch of the Legislature.

Resolved, That in the death of the Hon. A. Sterne, Texas has lost a well tried and faithful public servant, and society a useful member.

Resolved, That this House tender its condolence and sympathy to the bereaved family of the deceased.

Resolved, That these resolutions be entered upon the journals of the House.

A message was received from the Senate, through their Secretary, informing the House that the Senate had passed a bill changing the northern boundary of Williamson county.

Mr. Hamilton introduced a bill, supplementary to an act to provide for the erection of a State Capitol; read first time.

Mr. Tarver introduced a bill for the relief of the heirs of John W. Mann, deceased; read first time.

Mr. Tankersly introduced a bill for the relief of Margaret McCormic; read first time.

Mr. Crabb introduced a bill to allow Sheriffs mileage; read first time.

Mr. Hartley introduced a bill providing for the subscription of the counties of this State, to the stock of corporations undertaking works of internal improvement, and for the payment and disposal of the stock so subscribed; read first time.

Mr. Cannon introduced a bill to incorporate the Orphans' Friends Lodge, No. 26, I. O. O. F.; read first time.

On motion, the House proceeded to dispose of the business on the Speaker's table, and

THE ORDERS OF THE DAY.

A bill repealing the second section of an act passed the 10th day of February, 1852, changing the names of Antoinette Scott and Sidney Way, to that of Devereaux; read third time and passed.

A bill supplementary to an act to establish and incorporate the Marshall University, and to change the name thereof to Van Zandt College; read third time, when Mr. Taylor of Harrison proposed the following amendment:

That all donations and bequests which have heretofore been made, or which may hereafter be made to said University, shall be good and binding, notwithstanding the change of the name from Marshall University to Van Zandt College; which

was adopted, two-thirds voting therefor; and the bill, as amended, passed.

A bill to authorize the county court of Comal county to levy and collect a special tax; read third time and passed.

Mr. Tankersly, by leave, introduced a bill to encourage internal improvements in this State; read first time.

A bill supplementary to an act to restore lands sold for taxes and purchased by the State, to the former owners, approved January 28, 1852, with the report of the committee on State Affairs recommending its passage.

Mr. Palmer proposed the following amendment: strike out "1854," and insert "1856;" upon which the yeas and nays were called for and stood thus:

YEAS—Messrs. Andrews, Bee, Bryan of B., Browder, Camp, Crabb, Dunlap, Evans of A., Evans of P., Hardeman of N., Jowers, Lane, Palmer, Randolph, Reid, Stewart and Taylor of H.—17.

NAYS—Messrs. Speaker, Cannon, Charlton, Doom, Evans of B., Hamilton, Hartley, Hardeman of C., Hood, Hooker, Hord, Lawson, Mabry, Neighbors, Patrick, Pollock, Rains, Rowe, Scott, Sims, Speights, Tankersly, Tarver, Taylor of F., Thomson, Throckmorton, Turner, Westmoreland and White—30.

So the amendment was rejected, and the bill ordered to be engrossed.

A bill to authorize the District Court of Houston county to transcribe certain records, with the report of the committee on the Judiciary proposing the following amendments: 1st, fill the blank with the letter "A;" 2d, add, at the end of first section, the words "and all certified copies taken from the same shall be as valid, and have the same force and effect as if taken from the original." Amendments adopted; and the bill, as amended, ordered to be engrossed.

A bill re-instating Joseph F. Smith as an attorney and counsellor at law, with the report of the Judiciary committee recommending its passage.

Mr. Flanagan proposed the following amendment: insert after the word "him," in second line from the bottom, the words "until the suit of error now pending to said judgment of the District Court of Travis county, shall have been decided by the Supreme Court;" amendment adopted, and bill ordered to be engrossed.

A bill to limit the boards of land commissioners, and more clearly to define their duties, with the report of the committee on the Land Office recommending its passage; read, and on

motion of Mr. Taylor of Fannin, laid on the table until to-morrow.

Mr. Hamilton offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to report to the House a bill creating a board of land commissioners, to be composed of the Commissioner of the General Land Office, Adjutant General and the Auditor of Public Accounts, to determine upon all equitable claims for land, which would have been cognizable by the local boards under the laws governing them during their existence ; or some other suitable bill to relieve the Legislature from the waste of a large proportion of their time on such claims, to the exclusion of more important business.

Mr. Runnels moved to strike out "committee on Private Land Claims," and insert "the Judiciary committee;" accepted.

Mr. Scott offered the following as a substitute for the original resolution as amended :

That the committee on the Judiciary be instructed to enquire into the expediency of creating some board or boards of commissioners, whose duty it shall be to examine into and issue to parties adjudged to be entitled to receive lands, certificates for the same ; substitute adopted.

The resolution as substituted was then adopted.

On motion, the House adjourned until half-past 9 o'clock, A. M., to-morrow.

AUSTIN, January 20, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Bee, Browder, Daggett, Edwards, Fields, Hamilton, Hord, Howard, Lawson, McFarland, Neal, Rowe, Runnels, Russel, Stewart, Tankersley, Taylor of H., Thomson, Titus and Wilson.

Journal of yesterday read and adopted.

On motion of Mr. Randolph, Mr. Wilson was excused from attendance on the House, on account of indisposition.

PETITIONS.

Mr. Flanagan presented the petition of Colby W. Crawford, praying certain privileges : referred to the Finance committee.